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In re Application of
Jay M. Short, et al.
Application No. 09/880,729
Filed: June 12, 2001
Attorney Docket No.: 09010-003005

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 31, 2005, to revive the above-identified application. The application became abandoned for failure to file a brief within the time period set by 37 CFR 1.192(a).

The petition is **GRANTED**.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing Application No. 11/034,411 filed January 11, 2005.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the 5-month extension of time fee is unnecessary and will not be charged to counsel's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
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for Patent Examination Policy